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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: **Amnon Ganot et al.**

Group: **2825**

Serial No.: **10/045,651**

Examiner: **Not Yet Assigned**

Filing Date: **November 7, 2001**

For: **MULTI-LAYER PRINTED CIRCUIT BOARD
FABRICATION SYSTEM AND METHOD**

October 7, 2002

Commissioner for Patents
Washington, D.C. 20231

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OFFICE OF PETITIONS

REQUEST FOR RECONSIDERATION

Applicants hereby request reconsideration of a Decision dismissing Applicants' Petition Under 37 C.F.R. § 1.182 filed May 30, 2002, whereby Applicants petitioned for acceptance that page 24 was deposited in the United States Patent and Trademark Office with the nonprovisional application papers filed November 7, 2001.

In said Decision, a copy of which is attached as Exhibit A, it was indicated that Applicants had failed to prove that page 24 was part of the application papers filed on November 7, 2001. The basic position of the Petitions Attorney is that the possible actions of one or more unnamed, disinterested USPTO employees have as much

evidentiary weight as the factual statements of a patent attorney registered in the U.S. Patent and Trademark Office. Applicants respectfully submit that this position is unsustainable and that the Decision must be overturned.

First of all, Applicants submit that the alleged evidentiary standards set forth in the Decision are irrelevant here. The simple facts are that an application having 32 pages was submitted, the transmittal papers refer to "32" pages (including page 24), see Exhibit B, and a postal receipt, see Exhibit C, refers to an application and seventeen pages of drawings. To the extent that the postcard may have been less specific than the prima facie standard to which reference is made in MPEP § 503, the combination of the postal receipt and the application transmittal papers is a functional equivalent.

And second, Applicants remind the Petitions Attorney that the application papers were mailed, and ultimately received, during a unique time period when government operations, including those of the United States Patent and Trademark Office, were not "customary and usual." Applicants specifically direct the Examining Attorney's attention to the copy of a communication dated January 16, 2002 from Nicholas P. Godici of the United States Patent and Trademark Office, attached as Exhibit D, wherein Mr. Godici discusses delays and damage associated with mail to the USPTO. Certainly this notice itself rebuts any presumption of regularity of USPTO operations during the time period in question.

Applicants point out that the original postcard receipt for the application papers was highly yellowed and was not received at Applicants' undersigned attorney's

firm until three months after the application papers were mailed to the USPTO by Express Mail. These were not customary and usual times, and the delay, destruction, alteration or other mistreatment of documents mailed to the USPTO is well documented.

In sum, Applicants submit that they have provided sufficient proof in the record thus far that page 24 was part of the applications papers forwarded to the USPTO on November 7, 2001, as reflected on the postcard receipt and the transmittal papers and in the previously submitted Declaration. The fact that in the extraordinary times existing at the end of last year, page 24 may somehow have been lost in processing, should not been to Applicants' detriment.

Respectfully submitted,

REED SMITH LLP

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